

06.03.2024.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 150 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.116 of 2023 arising out of Samsherganj P.S. Case No.445 of 2023 dated 26.11.2023 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : **Bablu Sk.**

... Petitioner.

Mr. Sekhar Kr. Basu, ld. Sr. Adv.,
Mr. Srinjjay Sengupta,
Mr. Kusal Kr. Mukherjee,
Mr. Narattam Acharyya.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

1. Report is placed on record.
2. Learned Senior Advocate submits there was delay in dispatch of the sample.
3. This issue requires to be assessed in the light of the evidence led by the prosecution with regard to chain of custody of the seized contraband.
4. Be that as it may, statements of witnesses and contemporaneous document i.e. seizure memorandum shows recovery of contraband which is above commercial quantity from petitioner. Chemical report of the sample shows presence of ganja.
4. Under such circumstances, we are not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)